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Michael A. Rahman
Kintera, Inc.
9605 Scranton Rd
Suite 240
San Diego, CA 92121

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,358

Applicant(s)

CHEN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8, 9, 11, 12, 18, 20, 22, 23, 24, 28, 29 and 33 are rejected under 35

U.S.C. 102(b) as being anticipated by US PAT. No. 5,506,393 issued to Ziarno (hereafter Pat '393).

Regarding claims 1, 22, 35 and 36, Pat '393 discloses: one or more virtual data islands [first donation kettle, second donation kettle 100, Fig 1] partitioned inside the database[kettle data storage 302, Fig 1a and terminal 120 data storage, Fig 1] each virtual data island storing client data for a specific client engaged in a fundraising campaign [col. 1, lines 20-25], the client data containing one or more constituent records [col. 3, lines 59-65] , a data pool selected from the constituent records [tally of a credit card 145 donation, tally of a debit card 150 donation, tally of a cash donation or combinations thereof for a single contributor or a plurality of contributors, col. 5, lines 10-20], one or more program codes for analyzing the data pool [addition, subtraction, multiplication, division, and statistical calculations, total donations, monthly statement, a histogram, sub-group of contributors, or group of contributors [col. 5, lines 17-20].

Regarding claims 2 and 23, Pat '393 discloses the results are used in fundraising campaigns [col. 5, lines 23-28]

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Regarding claims 3 and 24, Pat '393 discloses a master island containing a compilation of the fields in the virtual islands [Fig 1, terminal 120 and col. 4, lines 1-11]

Regarding claim 8, Pat '393 discloses the client is a person [col. 3, lines 59-65]

Regarding claims 9 and 28, Pat '393 discloses the results of the analysis are used to identify potential donors likely to donate to one or more charities [col. 5, lines 24-28].

Regarding claim 11, Pat '393 discloses a program code for statistical analysis [col. 5, lines 10-22]

Regarding claims 12 and 29, Pat '393 discloses a probability of a charitable donation [monthly statement, col.5, line 26]

Regarding **first** claims 18 and 33, Pat '393 discloses a charitable organization [col. 1, lines 20-25].

Regarding claim 20, Pat '393 discloses a common identifier shared by the individual donor records across the virtual data islands [credit card donation col. 3, line 48].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393).

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4. Regarding claims 7 and 32, Pat '393 discloses a charitable organization but does not disclose a nonprofit organization. Official Notice is taken that a nonprofit organization is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a nonprofit organization since the IRS grants nonprofit status to most charitable organizations. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

5. Claims 4-6, 16, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claims 1 and 22 above, and further in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572).

Regarding claims 4 and 25, Pat '393 discloses the essential elements of the claimed invention except for a linking table. Pat '572 discloses a linking table [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a linking table as taught by Pat '572 for the purpose of speedy analysis of marketing data and report generation [col. 10, lines 1-15].

Regarding claims 5, 6, 26 and 27, Pat '393 discloses the essential elements of the claimed invention except for the internet. Pat '572 discloses the internet [col. 2, lines 60-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include the internet as taught by Pat '572 for the purpose of implementing an efficient market data collection system [col. 2, lines 60-63].

Regarding claim 16, Pat '393 discloses the essential elements of the claimed invention except for automatically updating fields. Pat '572 discloses automatically updating fields [col.

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10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include automatically updating fields as taught by Pat '572 for the purpose of maintaining concurrency of data.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572) as applied to claim 16 above, and further in view of US Pat. No. 6,539,446 issued to Chan (hereafter Pat '446).

Regarding claim 17, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for automatic notification of an update option. Pat 446 discloses automatic notification of an update option [col. 2, lines 60-64]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '393 and Pat '572 to include automatic notification of an update as taught by Pat '446 for the purpose of notification that a lock failure has occurred [col. 2, lines 60-64].

7. Claim 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 4,965,719 issued to Shoens et al (hereafter Pat '719).

Regarding claim 10, Pat '393 discloses the essential elements of the claimed invention except for an opt-in field indicating whether or not a client is participating in a data-sharing scheme. Pat '719 discloses an opt-in field indicating whether or not a client is participating in a data-sharing scheme [col. 6, lines 1-12]. It would have been obvious to one of ordinary skill in

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the art at the time the invention was made to modify Pat '393 to include an opt-in field indicating whether or not a client is participating in a data-sharing scheme as taught by Pat '719 for the purpose of managing concurrent access to records/data to ensure lowest possible response times [col. 1, lines 19-23]

Regarding claim 13, Pat '393 discloses the essential elements of the claimed invention except for write-access to the field. Pat '719 discloses write-access to the field [col. 4, lines 46-55]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include write-access to the field for the purpose of managing concurrent access to records/data [col. 1, lines 19-23].

Regarding claim 14, Pat. '393 discloses the essential elements of the claimed invention except for the opt-in field accepts a multi-valued variable. Pat '719 discloses the opt-in field accepts a multi-valued variable [col. 5, lines 45-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a multi-valued variable as taught by Pay '719 for the purpose of accurate processing of the lock history [col. 5, lines 45-50].

Regarding claim 15, Pat '393 discloses the essential elements of the claimed invention except for sharing data with others in different manners. Pat '719 discloses sharing data with others in different manners [col. 4, lines 46-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include sharing data with others in different manners for the purpose of controlling access to a data resource [col. 4, lines 46-55].

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8. Claims 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 5,665,952 issued to Ziarno (hereafter Pat '952).

Regarding **second** claim 18, 30 and 31, Pat '393 discloses the essential elements of the claimed invention except for login access for donors. Pat '952 discloses login access for donors [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include login access for donors as taught by Pat '952 for the purpose of convenience in donating to a charitable organization [abstract].

Claims 19, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 6,535,871 issued to Romansky et al (hereafter Pat '871).

Regarding claims 19 and 34, Pat '393 discloses the essential elements of the claimed invention except for a political organization. Pat '871 discloses a political organization [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a political organization as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Regarding claim 21, Pat '393 discloses the essential elements of the claimed invention except for an opt-out field. Pat '871 discloses an opt-out field [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Pat '393 to include an opt-out field as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Response to Arguments

Applicant's arguments filed 10/17/2003, have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states on page 3, "Applicants respectfully disagree with the Examiner. Applicants submit that the donation kettle 100 of Pat '393 is not equivalent to the virtual data island recited in claim 1 of the present invention. The virtual data islands 108A-108D illustrated in Fig 1 of the present application are formed by partitioning a data warehouse 104, each virtual data island storing client data of a particular nonprofit organization. The virtual data islands reside in the data warehouse 104. This is described in the present application page 8, lines 19-22."

the data warehouse 104 retains a plurality of nonprofit organizations (NPOs) donor (or supporter) information in four virtual data islands 108A-108D. Each virtual data island 108 retains data of a particular organization. Each data island includes individual donor records.

Examiner Responds:

Examiner is not persuaded. Pat '393 discloses in column 4, lines 35-52 the following:

By way of further example, a donation kettle 100 contains a credit card donation processor 160, and/or a debit card donation processor 240. Such a processor directly utilizes a cellular communication link, or other standard telephone hookup. The present invention further contemplates that reader 307 (FIG. 1a) can read IC cards, PCMCIA cards, and/or coded cards. Donation kettle 100 stores a contributor's card account and donation information in data storage 302 (FIG. 1a). After a donation session, communication link 1030 is connected directly to the processor 160/240, and communication circuitry 990 via communication link 1030 transfers the

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contributor and donation information to a card account processor database, and the like. The card account of the contributor of the charitable organization is appropriately charged or debited the amount of the donation **and the account of the charitable organization is augmented respectively.**

Furthermore, Pat '393 discloses in column 4, line 58 through column 5 line 10 the following:

The present invention also provides a method of processing a donation obtained via donation kettle 100 by a card account processor. A card donation processor 160/240 obtains card account information and/or information representative of a donation amount from a contributor. The card account processor receives card account information and/or the donation amount information via a direct communication link, by way of example, link 140, and/or an indirect link, e.g. link 140 and link 1030 via terminal 120. In one embodiment, terminal 120 contains a modem and related circuitry. The card account processor enters a debit representative of the donation amount to an account of an contributor, and enters a credit representative of said donation amount to an account of a charitable organization. Card account and/or donation information is submitted in batch to a card account processor in one embodiment. **Similarly, card account and/or donation information collected via a worship terminal, worship terminal network, offering plate, and/or offering plate network can be transmitted in batch to a card account processor.**

Furthermore, Pat '393 discloses in column 8, line 64 through column 9, line 38 the following:

In an alternate embodiment, a key on keyboard 107 might be representative of text. By way of example, **a key might represent a particular charity to which the donation is made, and/or a fund within a charity to which a donation is made.** Once a key has been hit on keyboard 107, that key information is moved into a buffer and interrupts processing circuitry 903 to communicate that the key is ready. Circuitry 903 responds to the interrupt by reading the buffered keyboard information. Circuitry 903 then stores the keyboard information in storage 302 if necessary. By way of further example, the keyboard information may consist of a donation amount, an account number of a contributor, an authorization code, and the like. In one embodiment, keyboard circuitry 109 interrupts processing circuitry 903. Circuitry 903 responds to the interrupt by reading buffered keyboard information, which by way of example, includes **donation information and/or card account information concerning the fund to which the donation is made.** Circuitry 903 then associates the information via a software routine in one embodiment, and stores the associated information in storage 302. In another embodiment, circuitry 903 takes the associated information and transfers it from storage to a card account processor database. In one exemplary embodiment, a donation kettle 100 contains a card reader 307 and related circuitry 303 addition. Card reader 307 and related circuitry 303 reads information on a card 145, 150 (FIG. 2) and converts card information to a digital sequence of 1's and 0's which correspond to the card information thereon, and stores this information in a buffer. Card reader circuitry 303 interrupts processor 903 and communicates card information to

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processing circuitry 903. Processing circuitry 903 interfaces with card reader 307 and associated circuitry 303 via an address bus 536, data bus 533, and control bus 530. Specifically, upon detection by reader 307 that a card 145/150 donation is being made, card reader circuitry 303 interrupts processing circuitry 903. Circuitry 903 responds to the interrupt by reading the buffered card information. Buffered card information includes contributor and account information in one embodiment. The card reader might include a reader that reads a magnetically striped card, an IC card, a PCMCIA card, or the like. FIG. 2b is a schematic block diagram of one embodiment of a donation kettle 100 with a card reader 307 and associated circuitry 303, communication circuitry 990, a receipt generator (a printer 821 and associated circuitry 823). This embodiment has the features generally described herein, as well as those described below. Preferably, a receipt generator (a printer 821 and associated circuitry 823) is located on or near a donation kettle 100. In an alternate embodiment, the receipt generator may be located at a remote location. The receipt generator produces a receipt for **a single donation or a plurality of donations**. In one embodiment, a donation kettle 100 communicates, via a communication link, preferably an RF (radio frequency) communication link or an infra-red communication link, with the receipt generator. In another embodiment, a donation kettle 100 communicates donation and contributor information, via a communication link to terminal 120. Terminal 120 then communicates the contributor and donation information to the receipt generator. The communication consists of information about the contributor, the donation, the date, **the intention for which the donation was given, and the like**. The receipt generator processes the information about the contributor and the donation to generate a receipt. The receipt may be generated automatically by the receipt generator to be picked up by the contributor at or soon after visiting the donation kettle 100, or may be generated for mailing or faxing to the contributor. **A contributor of a charitable organization** may desire the receipt for tax purposes.

Examiner concludes that above disclosure by Pat '393 reads on the claim 1 limitation "one or more virtual data islands partitioned inside the database, each virtual data island storing client data for a specific client engaged in a fund raising campaign, the client data containing one or more constituent records (CR)."

Applicant Argues:

Applicant presents essentially repeats the same arguments as above on pages 4 and 5.

Applicant is referred to supra response by Examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

12/1/03


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100